

## ELDER ABUSE

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**Approved By:** Kenneth Burton Chief of Police  
**CALEA 6<sup>th</sup> Edition Standard:**

### **326 ELDER ABUSE**

#### **326.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide members of this department with direction and understanding of their role in the prevention, detection and intervention in incidents of elder abuse. It is the policy of the Columbia Police Department to treat reports involving at-risk adults as a high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect.

#### **326.2 DEFINITIONS**

Definitions related to this policy include (§ 660.250, RSMo):

**Abuse** - The infliction of physical, sexual, or emotional injury or harm including financial exploitation by any person, firm or corporation.

**Eligible adult** - A person at least 60 years of age, or a person between the ages of 18 and 59 with a disability pursuant to Missouri law, who is unable to protect his/her own interests or adequately perform or obtain services necessary to meet essential human needs.

**Likelihood of serious physical harm** - A substantial risk that physical harm will occur or be inflicted on an eligible adult because of his/her failure or inability to provide for his/her essential human needs. Physical harm includes physical injury, neglect, sexual or emotional abuse, or other maltreatment or wasting of financial resources by either the eligible adult or another person.

**Neglect** - The failure of any person or business entity with a legal duty to provide services to an eligible adult that presents either an imminent danger to the health, safety or welfare of the eligible adult or a substantial probability that death or serious physical harm would result.

#### **326.3 MANDATORY REPORTING REQUIREMENTS**

The Columbia Police Department is considered a mandated reporter. If during the course of an investigation, an officer has reasonable cause to believe that a person who is under care in a long term facility or at home and is disabled and/or aged 60 or older, has been abused or neglected by another person in a manner that constitutes a criminal offense under any law, the officer shall take a report indicating elder abuse as soon as reasonably practicable (§ 198.070.1, RSMo; § 565.188.1, RSMo; § 660.300.1). The officer shall contact the Senior Disability hotline (800-392-0210) prior to his/her end of shift to report the incident.

##### **326.3.1 RECORDS UNIT RESPONSIBILITIES**

The Records Unit is responsible for the following:

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1. Providing a copy of any report that indicates elder abuse to the Department of Health and Senior Services or as required by state law.
2. Retaining the original report with the initial case file.

#### **326.4 OFFICER'S RESPONSE**

All incidents involving actual or suspected abuse or neglect shall be responded to immediately, fully investigated and appropriately documented.

##### **326.4.1 INITIAL RESPONSE**

Officers may be called upon to effect a forced entry as the first responder to the scene of suspected elder abuse or neglect. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if medical personnel are not already present.

##### **326.4.2 STABILIZE THE SITUATION**

Officers must quickly assess the situation to ensure the immediate safety of all persons. Officers shall also consider the following:

- a. Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently, it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly person.
- b. Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence, such as injuries that may change in appearance, should be photographed immediately.
- c. Assess and define the nature of the problem. Officers should assess the available information to determine the type of abuse or neglect that may have taken place or the potential for abuse or neglect in the future that may be eliminated by law enforcement intervention.
- d. Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

##### **326.4.4 SUPPORT PERSONNEL**

The following persons should be considered for notification if it appears an in-depth investigation is appropriate:

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- Patrol supervisor
- Investigative personnel
- Evidence collection personnel
- County or state protective services agency personnel
- Ombudsman if the abuse is in a long-term care facility (§ 660.603, RSMo)
- Victim advocate

#### **326.4.5 COURT ORDERS**

In any situation where an officer reasonably believes that an eligible adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may contact the county court or Department of Health and Senior Services (DHSS) and request an order of protection against the person alleged to have committed or threatened such abuse if that person is not in custody (§ 660.290.2, RSMo).

If the DHSS is unwilling or unable to obtain an order of protection, the handling officer shall attempt to obtain the court order on the victim's behalf. Action taken by the officer shall be documented in any related report.

#### **326.4.6 EMERGENCY PLACEMENT**

An officer may transport, or arrange transportation for, an eligible adult to an appropriate medical facility when the officer reasonably believes the person will suffer imminent physical harm if not placed in a medical facility for care and treatment, and a referral through DHSS is not practicable. The officer shall notify the next of kin of the eligible adult, if known, and the DHSS (§ 660.290.1, RSMo).

#### **326.5 ELDER ABUSE REPORTING**

Every allegation of elder abuse shall be documented. When documenting elder abuse cases, include, at minimum (§ 660.255.2, RSMo; § 660.300.5, RSMo):

- a. The name, address and approximate age of the eligible adult.
- b. The name and address of the person responsible for his/her care, if there is one.
- c. The name and address, if available, of the person who is alleged to have abused, neglected or exploited the eligible adult.
- d. The nature and extent of the alleged abuse, neglect or exploitation.
- e. Any evidence of previous injuries.
- f. The basis of the reporting officer's belief that the adult has been abused, neglected or exploited.
- g. Any other information that would assist in the investigation of the report.

Reporting cases of elder abuse is confidential and will only be released as per the Records Release and Security Policy (§ 660.263.1, RSMo).

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#### **326.6 ELDER ABUSE IN A CARE FACILITY**

Officers shall report all allegations relating to the abuse, neglect or exploitation of an adult in a care facility or under the care of a facility (§ 198.070, RSMo). Officers shall immediately notify the DHSS.

#### **326.7 OBTAINING AN ARREST WARRANT**

Officers shall promptly seek a warrant for the arrest of any person for whom probable cause exists to believe the person is criminally responsible for elder abuse.